
OLR Bill Analysis

sHB 6501

AN ACT CONCERNING PARENTAL ENGAGEMENT.

SUMMARY:

Beginning July 1, 2014, this bill requires certain employers to grant their employees eight hours of parental leave each year to participate in “qualified school-related activities,” including activities at licensed child day care facilities. Employers may grant additional hours of parental leave, subject to the employee’s collective bargaining agreements. Generally, the employees must use accrued personal time or unpaid leave when taking such leave. The bill prohibits employers from interfering with, restraining, or denying employees the ability to take this leave or taking adverse actions against those who exercise their right to take it. The bill requires the Department of Labor to enforce compliance with the leave provisions.

EFFECTIVE DATE: January 1, 2014

PARENTAL LEAVE FOR SCHOOL-RELATED ACTIVITIES

Unless a collective bargaining agreement entered into before January 1, 2014 provides otherwise, the bill requires employers of 10 or more people to permit their employees to use accrued personal time or unpaid leave to participate in “qualified school-related activities.” An employer is anyone who directly or indirectly owns, operates, or has a controlling interest in an activity, enterprise, or business. It is unclear how someone “indirectly” owns a business.

An employee is eligible to take this leave if he or she is a parent, guardian, or grandparent with custody of at least one child in kindergarten, grades one to 12, or a licensed child day care facility.

Qualified School-Related Activities

A qualified school activity is a school-related activity or event

organized to include parents, such as:

1. parent-teacher conferences, back-to-school nights, or curriculum nights involving the employee's child;
2. meetings of (a) school governance councils (required in school districts identified as "in need of improvement"), (b) "turnaround committees" (in schools located in a SDE commissioner-chosen low-performing school "network"), (c) any other school- or district-sanctioned advisory boards that serve the child's educational interests; or (d) planning and placement teams; and
3. school visits to attend to the child's immediate needs or well-being, meetings with teaching staff or pupil personnel staff or other school-sponsored meetings involving the child's educational interests.

Such activities do not include extracurricular activities, such as sporting events, musical or dramatic performances, or field trips.

A school is any (1) public or private school providing instruction to children in grades K-12 and (2) licensed child care facility (i.e., child day care center, group day care home, family day care home).

Use of Personal Time to Take Parental Leave

Under the bill, employees taking parental leave for school activities must use existing vacation, personal leave, compensatory time, or unpaid leave.

If all of an employer's permanent, full-time employees must take vacation during the same period in a calendar year, no employee may use his or her accrued vacation time at any other time to take the parental leave.

Employers are allowed to require an employee to take a minimum of two hours of parental leave for each school activity even if the activity requires a shorter amount of time away from the workplace.

Documentation

The bill requires the employee, if his or her employer requests it, to provide documentation that he or she used, or plans to use, parental leave to participate in a school activity on a specific date and at a specific time. Documentation is whatever written verification the school deems appropriate and reasonable.

Spousal Exception

If spouses are eligible employees working for the same employer, the bill allows the employer to grant parental leave to only one of them (presumably for a single activity) for up to a maximum of eight hours.

EMPLOYEE PROTECTIONS

Prohibitions Against Taking Actions Against Employees

The bill prohibits an employer from:

1. interfering with, restraining, or denying an employee's right to take or attempt to take, parental leave;
2. discharging or causing to be discharged, or in any manner discriminating against, any employee for opposing any unlawful parental leave-related practice or taking parental leave;
3. denying an employee his or her right to take up to the eight hours, or in the case of an employee and his or her spouse working for the same employer, their right to take a total of eight hours; or
4. discharging or threatening to discharge or demoting, suspending, or in any way discriminating against an employee for using or attempting to use the parental leave for a school activity.

The bill prohibits anyone from discharging; disciplining; causing to be disciplined; or discriminating, intimidating, or making threats against anyone who (1) filed any charge, or instituted or caused to be instituted, any proceeding related to the bill's parental leave

provisions; (2) gave, or is about to give, any information in connection with any inquiry or proceeding related to any right to take the leave; or (3) testified or is about to testify in any such inquiry or proceeding.

Appeals

The bill allows certain qualified employees to file a complaint with the labor commissioner. Covered are employees:

1. denied the use of eight hours of parental leave or
2. discharged or subjected to threats of discharge, demotion, suspension, or acts of discrimination for using or attempting to lawfully use parental leave.

Under the bill, qualified employees do not have the right to file grievances if their employer:

1. interferes with or restrains the employee's exercise or attempt to exercise his or her right to take the leave;
2. wrongfully discharges, disciplines or causes to discipline, or in any other manner intimidates, or makes threats against, anyone who has instituted any proceeding or gives information, including testimony in any proceeding related to an employee exercising the right to take the leave; or
3. discharges or causes the employee to be discharged for opposing an unlawful practice associated with any request for parental leave.

Upon receiving the complaint, the commissioner must hold a hearing. He may award the employee all appropriate relief, including rehiring or reinstatement to the employee's previous job, payment of back wages, and re-establishment of employee benefits to which the employee otherwise would have been eligible had the bill's leave provision not been violated. He must send each party a written copy of his decision.

The bill allows any party aggrieved by the commissioner's decision

to appeal to Superior Court.

The bill provides that its rights and remedies are cumulative and nonexclusive and are in addition to any other rights or remedies afforded by contract or any other laws.

COMMITTEE ACTION

Children Committee

Joint Favorable Substitute

Yea 8 Nay 4 (03/12/2013)